



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Consider introduction of an ordinance regarding the regulating of all industrial waste haulers.

MEETING DATE: December 16, 1992

PREPARED BY: Assistant City Manager

RECOMMENDED ACTION: That City Council adopt attached Ordinance No. 1561.

BACKGROUND INFORMATION: At its regular meeting of November 4, 1992, City Council considered the adoption of ordinances which would have established industrial rates and industrial refuse collection as a service which must be provided by the City's contract waste hauler. At its meeting of November 18, 1992, Council tabled these ordinances in favor of considering the introduction of Ordinance No. 1561 regarding the regulating of all industrial waste haulers.

Ordinance No. 1561 does not restrict industrial refuse collection to the City's franchisee. Any private hauler may collect industrial waste in Lodi. This ordinance does impose the costs of a) a permit b) a 4% franchise fee, and c) materials recovery facility processing, on any hauler. These same costs are imposed on California Waste Removal Systems when it hauls industrial refuse.

Kevin Van Steeberge of Lodi Iron Works (and a member of the Solid Waste Management Task Force) has been an outspoken opponent of the industrial ordinances prepared on this issue. He now indicates he appreciates the option to choose an alternate waste collection firm, if he desires, as provided for in this ordinance. Ordinance No. 1561 is presented to Council for their consideration.

FUNDING: None.

Respectfully submitted,

Assistant City Manager

Prepared by Kirk J. Evans
Administrative Assistant to the City Manager

COUNCOM2/TXTA.TLP



ORDINANCE NO. 1561

=====

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE CHAPTER 13.16 - SOLID WASTE
RELATING TO INDUSTRIAL WASTE COLLECTION AND RECYCLABLE MATERIALS.

BE IT ORDAINED BY THE CITY COUNCIL OF THIS CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.16 - SOLID WASTE - is hereby amended by adding to Section 13.16.010 a new definition to read as follows:

"Recyclable materials" means any material which is to be reused and/or re-manufactured into a new product. Any industrial waste material which is directed to a landfill or incinerator shall not be designated as a recyclable material for purposes of this chapter."

SECTION 2. Lodi Municipal Code Chapter 13.16 - SOLID WASTE - is hereby amended by adding thereto an Article 11, relating to industrial waste collection, to read as follows:

ARTICLE II

INDUSTRIAL WASTE.

Section 13.16.160. INDUSTRIAL WASTE COLLECTION AND
TRANSPORTATION RESTRICTED.

Except as provided in this chapter and on the conditions contained herein, it shall be unlawful for any person or firm to collect or transport industrial waste within the city limits of Lodi. The term "industrial waste" shall not include recyclable materials when such materials are segregated from other types of waste, as defined in this chapter.

Section 13.16.170. PERMIT REQUIRED.

No person or firm shall engage in the collection or transportation of industrial waste within the City of Lodi without first obtaining from the Finance Department a non-exclusive permit for such activities and paying an annual permit fee in an amount to be set from time to time by resolution of the City Council, adopted pursuant to this ordinance. Such permit fee shall be in addition to any other annual business license fees or franchise fees. The City Council hereby finds and declares that such fee is necessary and proper to defray the costs of required monitoring, accounting and record-keeping in order to comply with State Solid Waste Management statutes including but not limited to Public Resources Code Section 40000 et seq.

Section 13.16.180, FRANCHISE FEE.

All persons or firms engaged in the collection or transportation of industrial waste shall pay to the City an annual franchise fee equivalent to four percent (4%) of the gross revenues for such collection and/or transportation.

Section 13.16.190. INDUSTRIAL WASTE; PROCESSING THROUGH MATERIALS RECOVERY FACILITY (MRF).

All persons and firms engaged in the collection and transportation of industrial waste shall channel all such waste through a materials recovery facility (MRF) licensed by the State of California. Such MRF may be located inside or outside the City of Lodi. It shall be the responsibility of the licensee to provide to the City on a quarterly basis all data and information on the waste stream volume required under State solid waste reduction statutes. Failure to

provide such information may result in revocation of any permit issued under this division.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this day of

PHILLIP A. PENNINO
Mayor

Attest :

ALICE M. REIMCHE
City Clerk

=====

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1561 was introduced at a regular meeting of the City Council of the City of Lodi held December 16, 1992 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1993 by the following vote:

Ayes :	Council Members -
Noes :	council Members -
Absent:	council Members -
Abstain:	Council Members -

I further certify that Ordinance No. 1561 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

BOBBY W. McNATT
City Attorney

ORD1561/TXTA.01V

RESOLUTION NO.

=====

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING A PERMIT FEE
FOR INDUSTRIAL WASTE HAULERS

=====

RESOLVED, that pursuant to Ordinance No. 1562 establishing regulations relating to the collection or transportation by persons or firms of industrial waste, that the annual permit fee for industrial waste hauling permits shall be \$_____

Dated: _____, 19__

=====

I hereby certify that Resolution No. _____ was passed and adopted by the Lodi City Council in a regular meeting held _____, 19__ by the following vote:

Ayes: Council Members -

Noes: council Members -

Absent: Council Members -

Alice M. Reimche
City Clerk

DECLARATION OF MAILING


On November 23, 1992 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 23, 1992, at Lodi, California.

Alice M. Reimche
City Clerk


Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI

CARNEGIE FORUM

305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: December 16, 1992

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche

City Clerk

Telephone: 333-6702

NOTICE OF PUBLIC HEARING

December 16, 1992

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) Introduction of an ordinance for regulating all industrial waste haulers.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche
City Clerk

Dated: November 18, 1992

Approved as to form:

Bobby W. McNatt
City Attorney

REFUSE RATES
MAILING LIST
EXHIBIT B

Kirk Evans
Administratiave Assistant to the City Manager

Sanitary City Disposal Company
Attention: Dave Vaccarezza
P.O. Box 319
Lodi, CA 95241



CITY OF LODI

CARNEGIE FORUM

305 West Pine Street, Lodi

CONTINUE NOTICE OF PUBLIC HEARING

Date: January 6, 1993

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche

City Clerk

Telephone: 333-6702

NOTICE OF PUBLIC HEARING

January 6, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a continued public hearing to consider the following matter:

- a) Introduction of an ordinance for regulating all industrial waste haulers

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche
Alice M. Reimche
City Clerk

Dated:

December 16, 1992
Approved as to form:

W. McNatt
eo W. McNatt
City Attorney